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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/754,160	01/09/2004	Samuel P. Hawkins III	FKI-104	7490
21897	7590	03/30/2005	EXAMINER	
THE MATTHEWS FIRM 2000 BERING DRIVE SUITE 700 HOUSTON, TX 77057			CRAWFORD, GENE O	
			ART UNIT	PAPER NUMBER
			3651	

DATE MAILED: 03/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/754,160	Applicant(s) HAWKINS, SAMUEL P.	
	Examiner Gene O. Crawford	Art Unit 3651	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11-25 is/are allowed.
- 6) ☒ Claim(s) 1-9, 26 and 28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. ____   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____  | 6) <input type="checkbox"/> Other: ____                                     |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 and 3-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Frias ('297).

The pipe handling machine for moving a plurality of oilfield tubulars with respect to a rig floor disclosed by Frias includes all the claimed features and in particular includes: **(claim 1)** an elongate moveable trough 31 having a first lateral side and a second lateral side, the trough 31 moveable to and from a first and second position (column 2, lines 33-38); one or more powered units 51, 53 for raising and lowering the elongate moveable trough toward and away from the rig floor 25; a tilting mechanism 37 for tilting one lateral side of the elongate moveable trough to a higher elevation than the other lateral side; **(claim 3)** the tilting mechanism 37 operable for tilting the trough 31 to unload a tubular laterally from the trough 31; **(claims 4, 5)** the tilting mechanism 37 including first and second hydraulic lifts 41 engageable with the first lateral side; and **(claim 6)** the tilting mechanism 37 operable only when the elongate moveable trough 31 is in a position away from the rig floor 25.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Frias ('297) in view of Tolmon et al.

With regard to claim 2, Frias discloses all the claimed features but does not disclose the pipe handling machine is operable from a remote location. However, Tolmon et al. discloses a portable control panel to allow an operator to control the machine from other areas at a work site. It would have been obvious to one of ordinary skill in the art to provide the pipe handling machine of Frias with remote control to allow for operation of the machine from a safe location as taught by Tolmon et al.

5. Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frias ('297) in view of Minnis et al.

With regard to claims 7-9, Frias discloses all the claimed features but does not disclose one or more pipe lifting frames including powered pipe lifters mounted thereto. However, Minnis et al. discloses the broad teaching of providing pipe lifting frames 81, 82 having powered pipe lifters 91. It would have been obvious to one of ordinary skill in the art to provide the pipe handling machine of Frias with pipe lifting frames having pipe lifters mounted thereon to facilitate loading/unloading of pipes to and from the trough as taught by Minnis et al.

6. Claims 26 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Minnis et al. in view of Frias ('297).

The pipe handling machine disclosed by Minnis et al. includes an elongate moveable trough 27; one or more pipe lifting frames 81, 82 affixed adjacent the trough 27; a powered pipe lifter 91 moveably mounted to each of the one or more pipe lifting frames 81, 82, a pivotal member 91E, 91F pivotally connected to the powered pipe lifter for pivoting to a guiding position for guiding a tubular to roll laterally onto the trough 27. Minnis et al. does not disclose one or more powered units for raising and lowering a lift frame with respect to the rig floor. However, Frias discloses the broad teaching of providing a pipe-handling machine with a moveable trough having a lift frame for lifting the trough to and from a position close to the rig floor and away from the rig floor. It would have been obvious to one of ordinary skill in the art to provide the movable trough of Minnis et al. include a lift frame for lifting the trough to a position closer to the rig floor for allowing transfer of the pipe thereto as taught by Frias.

***Allowable Subject Matter***

7. Claims 11-25 are allowed.

8. Claims 10 and 27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. The following is a statement of reasons for the indication of allowable subject matter: a pipe handling machine and method thereof including the unique feature of 'a

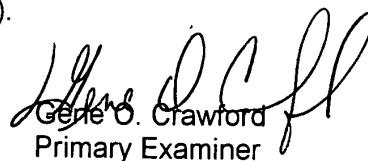
lift frame, wherein the elongate moveable trough being axially extendable and retractable with respect to the lift frame' in combination with the rest of the claim language is not taught or fairly suggested by the prior art.

**Conclusion**

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gene O. Crawford whose telephone number is 703/305-9733. The examiner can normally be reached on Monday thru Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Ellis can be reached on 703/308-1113. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Gene O. Crawford  
Primary Examiner  
Art Unit 3651

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